



**Friends of  
Patuxent**

## Friends of Patuxent Research Refuge, Inc.

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*Supporting wildlife conservation, education, and research at Patuxent Research Refuge, a National Wildlife Refuge, US Fish and Wildlife Service, and the Eastern Ecological Science Center, US Geological Survey*

November 16, 2023

Maryland Department of the Environment

Attn: Danielle Spendiff

1800 Washington Blvd, Suite 430

Baltimore, MD, 21230

Dear Ms. Spendiff,

The Friends of Patuxent Research Refuge, Inc, the volunteer support group for the Patuxent Research Refuge would like to register our opposition to the Water Quality Certification permit request 23-WQC-0007 for the SC Maglev project of the Baltimore-Washington Rapid Rail LLC (BWRR).

The Friends of Patuxent Research Refuge (FOP) have been in existence for 32 years supporting the conservation, research, and education missions of the USFWS Patuxent Research Refuge and the USGS Eastern Ecological Science Center at Patuxent. We are an all volunteer group that raises funds, conducts education programs and special events, and advocates for the refuge and science center's funding and mission.

Patuxent is a one-of-a-kind National Wildlife Refuge within the National Wildlife Refuge System, the only one of the nation's 567 refuges that is dedicated to wildlife research. Since its inception in 1936, Patuxent has been home to groundbreaking research and field biology studies that have measurably contributed to the conservation of America's natural resources and wildlife. The approximately 13,000 acres that make up the refuge have been called 'the lungs of Baltimore and Washington.' The refuge contains some of the most highly biodiverse habitats and plant and animal life in the country.

Because of Patuxent's unique character and irreplaceable natural resources, the Friends of Patuxent have been especially concerned about the impacts of the proposed super conducting magnetic levitation train (SCMAGLEV) proposal that will encroach on the refuge in a variety of ways, including the taking of land and destruction of forest resources. We have found the WQC permit application of BWRR to deficient in a number of ways and we urge the Maryland Department of the Environment to deny granting Water Quality Certification to this project.

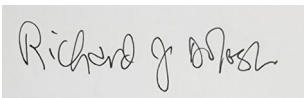
There are five principal reasons why we support denial of Water Quality Certification as outlined in permit request 23-WQC-0007.

- 1. The permit application inadequately addresses the requirements of Maryland law and regulations regarding the protection of Tier II waters and other elements of High Quality Waters.** There are two Tier II watersheds identified in the Antidegradation analysis, Patuxent River 1 and Beaverdam 2. The requirements for water quality certification call for a variety of completed studies of the existing water quality resources and plans for avoiding and mitigating those losses that cannot be prevented. This includes specific data required to identify actual and potential impacts to water quality; specific plans to avoid or mitigate such impacts; specific plans for protection of High Quality Waters and other elements such as Wetlands of Special State Concern; and how the loss of irreplaceable resources will be mitigated. These are incomplete.

2. **Many elements of the proposed construction have not been exactly identified or located in the proposed plans and this has prevented the public from making a full and careful review of the impacts.** The federal NEPA process has been paused since 2021 and the Draft Environmental Impact Statement has not been completed to move to the FEIS. Since the original plans for the SCMAGLEV identified a large number of options for how the construction would be sited, this has prevented the public from an informed review. Likewise, the missing and required elements of the MD WQC permit such as the impacts that may occur beyond the Limits of Disturbance, a full Stormwater Pollution Prevention Plan, plans to protect groundwater, non-tidal wetlands, construction modeling, and BMP's to demonstrate ESD to the Maximum Extent Practical. These omissions, and others, have prevented the public from a full and informed review of the specific and cumulative impacts to water quality.
3. **The plans to protect other elements required by state law or regulation such as Wetlands of Special State Concern (WSSC), Sensitive Species Project Review Areas (SSPRA), non-tidal wetlands, and biodiversity and forests generally, are lacking in required specificity.** Throughout the permit application, the proposer merely references future actions they will take to document and address specific impacts their construction activities will cause to water quality. There are many gaps of information, data, and plans for water quality certification, but the required studies such as for sensitive fish and mussel species; the planned studies and protection for RTE species; the status of compensatory mitigation approvals for lost resource acreage, NTWSSC, lost water quality functions, and cumulative impact to Patuxent River watershed water quality are incomplete at best.
4. **The plans for forest mitigation are wholly inadequate and in no way would replace in kind or character the forest resources lost, especially those contiguous, highly diverse forests that even the proposer admits will be irreplaceably lost.** The forests that will be lost in both Tier II water areas and along the alignment of the maglev are extremely valuable contiguous mature forests. They support a great diversity of wildlife and plant life and have been studied for decades. The plans the proposer has identified to secure voluntary commitments from landowners are on remnant parcels and in no way would replace the forest resources to be lost. Nor would they be protected in any meaningful way, certainly not in perpetuity as required, and as they are now.
5. **The required Antidegradation analysis is incomplete and seriously lacking in much of the data required and analyses that must be performed in order to prove, as required, that "all new impervious surfaces will be fully mitigated."** Tier II waters impacts require a rigorous antidegradation analysis under the requirements of this WQC permit. The stormwater management plans and water pollution prevention plans, as well as protection of specially designated natural resources under Maryland law and regulation for Tier II waters are lacking. Also missing is an analysis of the cumulative impact to the Little Patuxent and Patuxent watersheds, and that of the nearby Beaverdam Creek watershed flowing into the Anacostia River. Others have calculated that up to 461 acres of total impacts to Beaverdam 2 and 84 acres of Patuxent 1 of impervious surfaces will be untreated by environmental site design practices under the current plans. This is unacceptable for the purpose of this permit.

For the reasons listed above, the Friends of Patuxent strongly encourage the Maryland Department of the Environment to DENY this Water Quality Certification permit request.

Respectfully submitted,



Richard J. Dolesh  
Chairman, Board of Directors

Friends of Patuxent Research Refuge, Inc. is a Section 501(c)(3) Public Charity.

All contributions are tax deductible to the extent allowed by law. Our Combined Federal Campaign (CFC) designation number is 63960 in the National Capital & Chesapeake Bay Area Maryland campaigns. Maryland Charitable Organization Registration - 2348